



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,450	06/29/2001	Scott R. Shell	50037.14US01	9009

27488 7590 12/14/2005

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,450

Applicant(s)

SHELL ET AL.

Examiner

George C. Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 20-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-7 and 20-36 are currently presented and have been examined.

It is noted that a new Examiner has been assigned to this case. Any future correspondence should be directed to the new Examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 September 2005 has been entered.

Response to Arguments

Applicant's arguments filed 14 September 2005 have been fully considered but they are not persuasive.

In view of the prosecution history, the Examiner concurs with the views and remarks of the previous Examiner in the Final Rejection and Advisory Actions mailed previously. In regards to parsing the message, if the configuration message received is destined for a plurality of components, then the message must be

Art Unit: 2143

parsed in order to determine which components to query since Saad discloses that the configuration message represents a default configuration that comprises a plurality of components and the configuration message is used to query the components. In regards to identifying the configuration service provider based on information within the query document, since the claim only requires that one configuration service provider exists, the broadest reasonable interpretation of the claim would be that since there are no other configuration service providers, it is inherent that the configuration service provider is identified since there is only one configuration service provider.

The Applicant argues that there is no motivation to combine the references. Both references are directed to interrogating remote devices for configuration information as noted previously by the previous Examiner. It is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose, the idea of combining them flows logically from their having been individually taught in the prior art. See MPEP 2144.06 and *In re Kerkhoven*, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980).

Art Unit: 2143

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 and 29-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the configuration service provider". There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "a configuration service provider component associated with the setting and configured to access the setting." In view of the limitation "a setting stored on the computer-readable medium" recited earlier, it is unclear as to where this setting is stored and how the setting is associated with the configuration service provider component and how the configuration service provider component is configured to access the setting.

Claims 1 and 29 recites the limitation "the router component being further configured to pass at least a part of

Art Unit: 2143

the query document to other components". It is unclear as to what components are being passed the query document.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Art Unit: 2143

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7 and 20-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saad (USPN 6,721,558) in view of Maryka et al. (USPN 6,490,616).

Regarding claim 1, Saad (USPN 6,721,558) teaches a device comprising:

- a. A router component configured to receive a query document including a query statement related to a setting stored on the device, the router component being further configured to pass at least a part of the query document to other components (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67).
- b. A configuration service provider component associated with the setting and configured to access the setting (column 3, lines 26-32). Note that each hardware component on the cell station is queried separately, determines its settings, and replies,
- c. A configuration manager component configured to receive the at least part of the query document and to identify the

Art Unit: 2143

configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing (column 3, lines 23-31; column 4, line 65 - column 5, line 4).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device. Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to

Art Unit: 2143

have a wider range and not be constrained to currently hardwired terminals.

Regarding claims 2 and 34, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 1 and 29, respectively. He further teaches means wherein the router component is configured to receive query documents from a plurality of push sources, each push source being configured to interact with an external initiator of the query document (figure 1; column 3, lines 28-30).

Regarding claims 3 and 35, although the system disclosed by Saad (USPN . 6,721,558) (as applied to claims 2 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the initiator includes a provisioning server in wireless communication with the mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Saad (USPN 6,721,558) by putting the server in wireless communication with the remote device. This benefits the system by expanding the network size for the provisioning server.

Art Unit: 2143

Please note that Saad (USPN 6,721,558) points out that the cell station are "remote" so wireless service would decrease the networking burden. 9. Regarding claims 4 and 36, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 2 and 34, respectively. He further teaches means wherein the initiator includes a provisioning server in wired communication with the mobile device (figure 1).

Regarding claim 5, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 1. He further teaches means wherein the configuration service provider is further configured to retrieve a current value of the setting from the device (column 3, lines 28-31).

Regarding claims 6 and 32, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 5 and 31, respectively. He further teaches. means wherein the configuration manager is further configured to modify the query document based on the retrieved value of the setting (column 4, lines 32-36; column 5, lines 21-30).

Regarding claims 7 and 33, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 6 and 32, respectively. He further teaches means wherein the query statement within the modified query document is modified to include the retrieved value of the setting (column 5, lines 21-30).

Art Unit: 2143

Regarding claim 20, Saad (USPN 6,721,558) teaches a device with means for:

- a. Receiving a configuration message including a payload identifying a particular setting on the device (column 4, lines 60-65).
- b. Parsing the configuration message to identify the particular setting stored on the device (column 4, lines 65-67).
- c. Passing the payload to a configuration component responsible for maintaining the particular setting (column 5, lines 5-6).
- d. Retrieving, by the configuration component, a value associated with the particular setting stored on the device (column 3, lines 31-32; column 5, lines 5-6).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device.

Art Unit: 2143

Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

Regarding claim 21, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 20. He further teaches means for returning a response document to an initiator of the configuration message, the response document including the value for the particular setting (column 3, lines 31-33).

Regarding claims 22 and 26, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches means for identifying which configuration component is responsible for maintaining the particular setting and passing the payload to the identified configuration component (column 4, lines 65-67).

Note that each separate component is responsible for its configuration information and is queried separately.

Art Unit: 2143

Regarding claims 23 and 27, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches a configuration manager programmed to manage a provisioning transaction (column 3, lines 23-31; column 4, line 65 - column 5, line 4).

Regarding claims 24 and 28, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches means wherein the configuration manager is responsible for maintaining the particular setting (column 3, lines 23-31; column 4, line 65 - column 5, line 4).

Regarding claim 25, Saad (USPN 6,721,558) teach a system for querying a setting on a device with means for:

- a. Receiving a configuration message from an initiator, the configuration message including a payload identifying a particular setting stored on the device (column 4, lines 60-64).
- b. Passing at least the payload to a configuration component responsible for maintaining the particular setting (column 4, lines 65-67; column 3, lines 24-26).
- c. Retrieving, by the configuration component, a value associated with the particular setting stored on the device (column 5, lines 5-6).
- d. Returning a response document to the initiator of the configuration message, the response document including the

Art Unit: 2143

retrieved value for the particular setting (column 5, lines 6-7).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device. Given the teaching of Maryka et al, (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

Art Unit: 2143

Regarding claim 29, Saad (USPN 6,721,558) teaches a device comprising:

a. A router component configured to receive a query document including a query statement related to a setting stored on the device, the router component being further configured to pass at least a part of the query document to other components (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67).

b. A configuration manager component configured to receive the at least part of the query document and to identify the configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing (column 3, lines 23-31; column 4, line 65 - column 5, line 4).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

Art Unit: 2143

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device. Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

Regarding claim 30, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 29. He further teaches a configuration service provider component associated with the setting and configured to access the setting, wherein the configuration manager is further configured to identify the configuration service provider based on information within the query document, and to pass the at least part of the query to the configuration service provider for processing (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67). 21. Regarding claim 31, Saad (USPN 6,721,558) teaches all of the limitations as applied to claim 30. He further teaches means

Art Unit: 2143

wherein the configuration service provider is further configured to retrieve a current value of the setting from the mobile device (column 5, lines 5-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

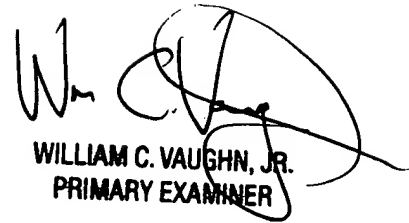
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/895,450

Page 17

Art Unit: 2143

/gcn/


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER